THE CONSTRUCTION OF THEATERS.

To the Editor of The N. V. Tribune. Sin: A very able article upon the New-York Academy of Music appears in The Tarsuse of Monday, but as some of your arguments reflect unfavorably upon the architecture in America generally, and upon the new Boston Theater in particular, I venture to add to your valuable remarks some data by which the public may, I think, more fairly judge

the subject.

You state truly that the Academy of Music in Paris stance upon 51,300 square feet, while your new Opera-House occupies only 24,000; but such is the waste of space in the French theater that, gigantic as it is, its auditorium will only accommodate 1,811 per-sons. Wallack's Theater in New-York must contain a greater number.

In the European opera-houses the tiers of the auditorium are entirely devoted to private boxes, the divisions being parquet, private boxes and gallery. Covent Garden Theater, perhaps the largest audityrium in Europe, which in your statement occupies 17,325 square feet, can muster 150 boxes, each ecntaining on an average six persons, that is 200 persons altogether, out of which most certainly 300 cannot catch a glimpse of the stage. Thus the whole face of the house, consisting of six tiers of boxes stretching from the pit to the dome, affords room for 600 persons who can see and 300 who can't. The Opera Comique in Paris, a small theater, but confessedly the most comfortable and perfect in the city, is built upon the American plan. It will hold 2,000 persons. The above data may be found in the Almanach des Spectacles, a work compiled under the direction of M. Palianti, published in Paris. I possess a copy, if verification of these details be required.

Finally, as respects the new Boston Theater. This building is beyond question the finest theater in the world as far as its auditorium is concerned. I speak from personal and professional experience. It seats comfortably 3,000 persons, of which 2,000 are provided with cushiened stalls. When the house is filled in every part perhaps fifty persons may be inconveniently placed so as to get an insufficient view of the stage. Its acoustic qualities are even better adapted for opera then for the drams. For internal decora tion the architect has boldly trusted to the audience to furnish that. What ornaments can vie with the human wreath of beauty, the variegated colors in the ladies dresses, the sparkling eyes, and the ever-moving fans, which constitute and distinguish the audience of an American theater?

Do not use your influence to introduce here the crushing ornamental decoration used in European theaters, where each little pigeon-hole of a box is a separate stew-pan. Preserve the cool, simple, airy, comfortable disposition of the seats you have hitherto adopted. By accommodating more people the price of admission is reduced, and by enabling the working-man to hear and enjoy the best composers and the best singers, you really constitute an Academy of Music where the taste of the public is cultivated, corrected and improved. When such an object is in view you will not, surely, deny the right of the New-York Opera-House to entitle itself an Academy of Music. I am, Sir, your obedient serv't, D. B.
Revere House, Boston, October 2.

FIRE IN BROOKLYN.

About 8 o'clock yesterday morning a fire broke out in a range of wooden buildings on Boerum-st., near State, occupied as stables, carpenter and blacksmith shops, &c., and the whole, numbering six or seven structures, were entirely consumed, but a great proportion of the contents were saved. The owners and occupants on State-st. are as follows;

The corner building was owned and occupied by Albert Brewster as a livery stable, in which were a number of horses and a variety of vehicles. The horses were saved but several valuable carriages were consumed. His loss amounts to about \$3,000, upon which there is a partial insurance. The next building was owned by George W. Rutan and occapied by Wm. W. Winans as a carriage manufactory and blacksmith shop, and the basement was used as a stable by Jarvis Regers. Two horses and a numa stable by Jarvis Regers. Two horses and a number of carriages in this building, owned by different individuals, were destroyed. The losses amount in the aggregate to about \$2,000, the only insurance being \$450 on the building in one of the Brooklyn offices. The adjoining building was occupied as a stable and carriage house by Heary Lott; all the contents were saved loss on building \$250. Ammerman & Coffin's carpender shop came next, which was like wise burned down and much of the stock and materials, such as doors, window frames &c., were destroyed. Their loss amounts to about \$2,000, no insurance. The wood and coal in the yard adjoining the expened. Their loss amounts to about \$2.000, no insurance. The wood and coal in the yard adjoining the carpenter shop, owned by G. W. Thurston, was greatly daraged and a large proportion was destroyed. His loss will probably reach \$1,000. On Boerum and Atlantic-sts., a number of small frame stables owned by Patrick McKinney, Michael Moran, and F. N. Place, were destroyed, but the horses contained therein were aved. Their combined losses will not much exceed \$500, upon which there was a partial insurance.

The total loss by this fire amounts to about \$3,000, upon which there was but small insurance.

The total loss by this fire amounts to about \$3,000, upon which there was but small insurance.

The fire it is supposed originated in the stable under the black with the blacksmith shop, from accident.

# PERSONAL.

The Rev. Dr. Ballor has returned to Boston from his late European tour. He was chosen, it will be recollected to the Presidency of the Tufts College last spring, and has come some to enter upon the discharge of the duties of that office.

JOHN HAWKINS, a celebrated lecturer on Temper ance, is now in this State, and intends to spend some time in speaking upon his favorite topic. We are desired to say that calls for his services by letter will be promptly attended to. His Post-Office address is Glens Falls, Warren County, N. Y.

MONEY IN DEAD LETTERS.—A correspondent of

Money in Dead Letters.—A correspondent of The Baltimore Sign, writes from Washington under date of Oct. 3, that:

"The operations of the Finance Bureau of the General Post-Office Department for the current year disclose the fact of a rapid increase in the business and importance of the dead letter office. In the first quarter of 1852 the number of dead letters found by the openers, which contained money, was 1,701—the amount \$10,238; second quarter, 1,736 letters, and \$1,176; third quarter, 1,781 letters, and \$10,863; fourth quarter, 1,842 letters, and \$11,735.

"In the quarter ended 31st March, 1854—two years afterward—the number of valuable dead letters reached 3,232 containing \$14,401. The second quarter yielded 2,487 letters, and \$13,325 in money. We have from the third quarter—ended 30th September 184—2,354 letters, in which were found \$14,088 in cash. When it is recollected that these do not embrace the dead letters from foreign countries—which the all returned unopened—the progress of this branch of Governmental service is more apparent."

The same correspondent states that seven-eighths of the lost money is safely returned to its legal evers.

San Fatalities.-We hear of two fatalities of SAD FATALITIES.—We hear of two fatalities oc-curring lately in Canada, of an unusually melancholy tharac er. In the vicinity of Sherbrooke, two ladies were riding in a chaise, when the approach of a rail-vay train frightened the horse, which backed off a Precipice. One of the ladies, whose name we did not learn, fell underneath the horse, and was crushed to death. The other, when taken up, was alive, and was conveyed to her home. Her mother, upon seeing the condition of her daughter, from fright and exote-tions was seized with a fit and died. The other case occurred some distance above Sherbrooke. A boy enthe condition of her daughter, from fright and excite-tion was seized with a fit and died. The other case occurred some distance above Sherbrooke. A boy en-gaged in fishing fell from a building into the rapids of the river. A Frenchman near by saw the accident and forthwith plunged in after him. The current was very swift, but he reached the boy, whom he placed under one arm, and with the other struck out for the shore. He had accomplished in this way over half a mile, when his arm struck a rock, which palsied his efforts, and both man and boy sank to the bottom and were drowned. [Bost in Traveller, th.] A Losy Herness.—Catharine Byrne alias McCair.

errorts, and both man and boy sank to the bottom and were drowned.

A Lost HKINESS.—Catharine Byrne alias McGuintess, has become heirees to upward of £20,000, in Ireland, but she cannot be found. Patrick Byrne, the husband of Catharine McGuinness was, it appears, sentenced to transportation some years ago at the Antrim assizes. Soon after the execution of the sentence, he was left the property mentioned, by a dietant relative. This property was transferred to his son, Thos. Byrne, who was then in America, and who has cince died, leaving it, with other sums, to his mother; and now the relatives are in a state of great anxiety as to the existence or fate of the interested party.

THE GRAHAM TRIAL.

FOR THE MURDER OF COL. LORING. THIRD DAY.

COURT OF OYER AND TERMINER.

The Court room was again on wheil to excess, and a vast number were unable to obtain admission, with a view to hearing the trial in this case. Some ladies (who had obtained early admission) were present. Many members of the bar, and other gentles New-Orleans, triends of the accused, were also present. The Court having been opened, the District Attorney, Mr. Shepard, proceeded, in continuation,

Attorney, Mr. Shepard, proceeded, in continuation, to call his witnesses.

Bridget Caffrey sworn-Was employed, Od August, at the St. Nicholas as assistant to the house-keeper; never saw Dr. Graham but once, was on the third floor moreing 2d Aug and heard a loud taking on second floor, and came down, I saw Col. Loring and Dr. Graham; latter had one hand on Col. Loring, and had the sword in Col. L's side with the other; Col. Loring cried 'I'm stabled-I'm dead,' three times: Col. L. staggered and fell; Mr. Rogers tried to catch him, but could not hold him up. I went to Col. Loring; he greamed heavily three or four groans, then breathed loud and expired; he died in about three minutes; Dr. Graham went and looked at Col. Loring, having the sword behind him, and some man said he is dead, to which he replied, he is not burt, or never mind it, or something to that effect; Dr. G. walked slowly to the stairs and went down to the office, with the sword by his side, the point of which was bent; it was like the one shown. I followed him down stairs; saw some person take to him of the city. Leane back and looked at Col. Loring; which was bent; it was like the one shown; I fol-lowed him down stairs; saw some person talk to him at the office. I came back and looked at Col. Loring; he was dead, with some froth around his mouth; I saw Dr. Graham at the office afterward, before he went with the officer; I did not wait to see, when I followed him down, what he did with the aword-came; it was a few minutes after 34 o clock; I did not see any blows struck; did not see one take hold of the other; they night have done so before I came down stairs; the two were together when I came down stairs. Col. L. was a kind of sideways to Dr. G. and Dr. G. had one hand on Col. L.

hand on Col. L.

Cress exemined—I got up that morning at all o clock, my room was on the fourth floor, the house-keeper room; I had overslept myself that morning; it did no Cress-examined—I got up that morning at 34 o clock; my room was on the fourth floor, the house-keeper's room; I had overslept myself that morning; it did not take me five minutes to dress; I west to toe toird floor and heard the toise on second; it was loud takeing; did not hear it tid I got to third floor, an lat once ran down stairs and stood on the third step, and could see over their heads; I did not look into the mirror. Col Loring, when I got there, was already stabled; he staggered and Dr. Graham hed the aword down by his side; I saw the sword in Dr. Graham's hand as he pulled it out of Col. Loring's side; I saw Dr. G. shand move as I came down, I did not observe where Col. Loring a heards were; they were quite mear together, and as Col. Loring turned his side he touched Dr. G.; he staggered better than three yards before he fell: I could not see, from where I stood, the place where Col. L. fell; saw Mr. Rogers try to catch him; I immediately exame off the stairs; I was not examined before the Coroner's Jury; did not converse about it till I was examined at the District-Attorney's office about two weeks ago.

By a Juror—the one who said, on being impaneled, if there was the least doubt the prisoner should have the benefit of it)—When Col. Loring staggered, he did so right off from Dr. Graham.

Margaret Nolan sworn—Was a chambermaid at the St. Nicholas; never saw Dr. Graham.

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Margaret Nolan sworn—Was a chambermaid at the St. Nicholas; never saw Dr. Graham.

Col. Loring said he was sweeping and dusting out the gentlemen's parior; they were near the head of the stairs; heard loud talk, as being and provided the other; I stood about two which had hold of the other; I stood about five yards from them or six; I took my eyes off them a moment or two standing in the same place; the next thing I heard was Col. Loring said he was stabbed, and he ran a

except the word "he; do not know which sail it; it was said so lead that it could be heard at a short distance; they were both talking load aake. Dr. Grabam was nearest to me—Col. Loring with his back toward Broadway, near the side, and Dr. G. in the center of stairs; in a moment they were clinched; Dr. Graham had his acurs round Col. Lering, and Col. Loring pushing him to get away; whether Dr. G. or Col. L. pulled the sword out Idon t know, but Col. L. run a short distance and fed. I saw a dagger in Dr. G.'s hand after Col. Loring Tell; it had a white ivery handle; it looked like that now shown, Dr. G., with the sword in his hand, looked at him, then walked down stairs quite calun. Col. Loring had held of Dr. Graham on the top of his shoulder to push him away. (The District-Attorney stood in front of witness, who showed the mode.)

The Juror, as before, got witness particularly to show the position. (The hands were on top and the fingers on the round of the back of the shoulders.)

Witness—The right-hand of Dr. Graham, at the time, was on the left side of Col. Loring, they were only a few minutes, perhaps not two manates, in that position, they were moving, and had got nearly to so much, from where they had stood; they were to contact the courter of the floor, two or three feet, perhaps not so much, from where they had stood; they were to contact the contact of the stage for the courter of the floor, two or three feet, perhaps not so much, from where they had stood; they were

ch, from where they had stood; th so much, from where they had stood; they were getter when they began to move, and I afterward saw the dagger, did not see which first took hold. I was just turning round sideways, and in a second they were clinched; Dr. Graham had a hat on during the conversation, it might have follow off during the

was just turning found saleways, and had a hat on during they were clinched; Dr. Graham had a hat on during the conversation; it might have falled off during the muss; it appeared to me that Col. Loring at first was stating the case to Dr. Graham.

The witness was asked by District-Attorney which appeared to be most angry, but it was objected to.

Mr. O Conor made remarks at some length. He contended that the witness should be confined to stating what he saw, and not giving his opinion; in the first place, he said, it makes the witness a juror, and in the second place it is irrelevant.

The District-Attorney, in reply, said that in a momentary occurrence such as this it is proper that the impressions of a witness as to such a question as fast been asked should be given. The appearance and tone of voice of a party in such a case is proper to se shown.

shown. The Judge said he would reject the question as far

The Judge said he would reject the question as far as relates to the mind of the witness. He can be asked what was the appearance of the parties.

The District Attorney asked what was the appearance of Dr. Graham! Some objection was made by defense. The Judge said he could state what he saw. The witness said—At the time they were clinched, Dr. Graham appeared angifer than Col. Loring.

The answer was excepted to by Mr. O Conor, when the District-Attorney said he was willing to strike it out.

out.

Mr. O'Conor said he wished the Judge to take

out.

Mr. O'Conor said he wished the Judge to take a note of the question, so that they might have the bestefit of the exception, netwithstanding the willingness of the District-Attorney to strike it out.

Cross-examined—Was at the St. Nicholas since last May: before that was at different hotels, intentioned: I went out in the half from the dining-room to look for Mr. Cozzins, the first witness.) whom I wished to speak to as to affairs of the breakfast; I knew he had gone to attend some company out; I came out of the dining-room and met Mr. Cozzins, and talked to him a few minutes: my attention was taken up partly by him and partly by the two gentlemen; I saw the two gentlemen flist; I spoke to Mr. C.; we stopped to see what was going on; I stood sideways to Mr. Cozzins, and looking sideways at the gentlemen; Col. Loting's face was toward me; both gentlemen stood at the head of the stairs; they did not go backward before they clinched; they moved slightly toward the center of the hall, after they had clinched, and were near the center when Col. L. got away; Dr. Graham moved forward and Col. Loring moved backward to go away; he did so when he had his hands over Dr. Graham's shoulders, and wanted to get awey; they were so quick they had not much time to go either forward or back; they moved about two feet; Dr. Graham's hand came from the side of Col. Loring I saw the sword in Dr. G. a hand; did not see the scabbard in Col. Loring; waist; after Dr. Graham's hand came from the side of Col. Loring I saw the sword in Dr. G. a hand; did not see the scabbard in Col. Loring; I was not examined at the Coroner's Inquest.

By the same Juror—I saw the handle of the sword the image; he

hand when he had his arms round Col. Loring; I was not examined at the Coroner's Inquest.

By the same Juror-I saw the handle of the sword when in Dr. Graham's hand; observed the image; he swing it by a string; after his right hand left Col. Loring I saw the dagger.

James Anderson called—[The witnesses are kept in another room and brought into the Court-room as they are called.] Witness swors—Was rotunda man at the St. Nicholas; knew Col. Loring by sight; never

saw Dr. Greham till that morning saw them torether on the landing on the second floor; I was standing at the feet of the stairs, and heard the cry of "On," or some such as that, the cry of a man: I rex up; the first thing I saw was deceased lying on his face and Dr. Graham standing by his knee, and then went up by I is head, he had the dagger to his hand, the blade of which he ran through his left hand, and then went down stair, with the dagger in his right hand, he three whe dar ger among some sweepings over it and walked out, and I immediately went into the closest and took the dagger from under the dirt: the one shown is the same, when he came from the pitcher room he walked toward the office, and I was unmediately after him; he was arrested in about 10 or 15 minutes, he had no opportunity to change his ciothes; he had a frock-toat and pentaloons on; no cravat; cannot say whether he had any vest on or not; I had not seen him to my knowledge, before that morning.

Cross-exan ince—I saw the scabbard of the sword-case that morning at the office, believe it was brought there by John Connohan; saw him bring it there as far as the effice door, and he gave it to a policeman; Col. Loring was dressed in a frock cont when I saw him lying on the floor; do not know whether he had a cravat on or not; I did not see the hedy of Col. La again tild I saw it in room No. 16, when I showed in one of the police.

John Morris called. [On request of Mr. Whiting, a recess was here taken for twenty minutes.]

After recess witness Morris sworn—Was employed in the rotunes at the St. Nichoise; saw Col. Loring and Dr. Graham on morioin 23 August, when I first heard them I was going up the stairs: I heard a man cry out "I'l'm killed" went up. The witness wished to be excused from being examined to-day, as he is ill, and cannot speak with sufficient loudness of voice. Mr. O Conor thought they had better have him go on to day.] When I got up they were letting go each other; I do not know which had laid hold first. Dr. Graham hed, Dr. Graha saw Dr. Graham till that morning saw them together on the landing on the second floor; I was standing at

was going back with them; I think I had taken the
we at the head of the stairs; am not certain; there
a-re a number of mats to the hall; I was frightened,
when I got up, and threw all the mats down; I saw
what I have stated; Dr. Graham was standing two
or three feet from the mirror when they separted;
Col. Loring fell on his face; he did not move afterward; cannot tell where his hands were.

Herman B. Stage sworn, [Police Officer)—Know
Dr. Graham; first saw him at a hotel between 10 and
11 o'clock, night of 1st August. Objected to by Mr.
O'conor as not relevant to the issue. He trusted
they were not playing a game for the life of a man,
but will try it seconding to law. We have had an
attempt at evidence of the parties first meeting that
morning. If they can be shown together it is well,
but where Dr. Graham was the evening before is not
relevant to the case, and if the Court permits such
testimony there is no knowing where the inquiry
will end. The District Attorney thought the counsel
was too quick. It may be material to know that this
weepon (the sword cane) was seen in Dr. Graham's
hand the night before. If not shown, the counsel
may set up, aithough I think there is sufficient testimony already as to its identity, that it was Col.
Loring's sword. Mr. O'Conger contended the question not to be regular. The Court thought the motive of the District Attorney as to identity proper.
Mr. O'C. said they must go according to law. The
District Attorney sked the witness if he saw, the
night before, anything in Dr. Graham's possession.
The witness replied that he did; saw a sword-cane,
and had it in his (witness s) own hand, and examined
it; it was she same sword-cane here shown; the blade
at that time was straight.

The witness was not cross examined.

Isaa dolmson sworn—Was police officer in August;
know prisoner by sight; saw him at the St. Nicholas
morning of the 2d of Ang.: I arrested him; it was
between 6 and 7 o clock; he had on a cont, pants, but,
shoes and stockings: he said something as to a bell,
tha

with this man in the said the man struck him and called him a scoundrel: he said the was very thirsty early in the morning, and rang the bell for the waster to bring him a bottle of congress water—furthermore, he said the man had him by the neck choking him: I do not

Not cross-examined.

Cornein Loring called—Mrs. Loring, in a minute or two, was attended to the Court-room, leaning upon the arm of a young man, and two ladies being with ber. Mrs. L. was dressed in deep black, as on the

day before.)
Q. Mrs. Loring what did your husband say to the

Q. Mrs. Loring what are your measures says to me man who rung the bell? Objected to by Mr. O'Conor, who asked if there is yet any evidence that Dr. Graham was present and heard the remarks. All the evidence is what has been stated by last witness that Dr. Graham said he had rung the hall bell: while all the other testi-mony shows that Col. Loring came up the stairs from the story below, and at the head of the stairs gree Dr. Graham, and now there is to be an attempt.

a situation which gives to him the sympathy of every man who has a heart. Mr. O'C sail, at the close of the Coroner's inquest he and his associates would have been willing to give Mrs. L. a testimony at the inquest, but from what has been hinted by the Dis-trict-Attorney, that more than that is to be expected.

and as the most dangerous testimony in the world is
that as to conversation, the wintess having a feeding
against Dr. Grabam, and Dr. G. s mouth shut as to
what it was, they must insist upon their legal rights,
and the testimony of Mrs. Loring cannot be admitted.
The District Attorney insisted that a sufficient foundation had been Isid. The bell was not a room bell,
nor was it a bell for the boarders; it was a servants
bell. There is evidence that that bell was rung, and
no other, and that Dr. Grabam rung it that morning.
It was directly in front of Col. Loring's room, and
some hundred feet from where the encounter afterward took place. The bell was not in the public
hall, and no person but Dr. Grabam is shown to have
been there. As to Mrs. Loring's feelings being hostile to Dr. Grabam, her character is good and noimbeen there. As to Mrs. Loring's feelings being hos-tile to Dr. Graham, her character is good and unim-penched, and beither that nor the idea of uncertainty as to conversations, can exclude the testimony, though as to the latter, it is to be weighed by the other evi-

Mr. O Conor replied. He contended that no testi-Mr. O Coner replied. He contended that no testimony has been presented which will authorize the admission of the evidence. In order to admit it, there must be as much certainty that Dr. Graham rang that bell as if he were on his trial for hife for rigging it. Others may have rung it: the hall was full of servants, &c. and the burden lies upon the procecution to show that it could have been no other man than Dr. Graham at the door when Col. Loring came out of his room and with whom he half the conversation alluded to. [The theory of the procecution is that Dr. Graham rang the bell, Col. Loring came from his room and exposulated, and then dressed himself and went down and complained to the clerk in the office, and was met by Dr. G coming up.] Mr. O C. said, when he stared that unkind feelings exist on the part of Mrs. L. he does not impugn her. They had offered to read Mrs. L. is deposition before the Coroner's Jury, and they thought that had been enough.

ast had been enough.

The Judge said he thought sufficient had been shown to authorize the admission of the evidence of hirs. Loring. As to what has been said in regard to, the Jury will take the circumstances into consider.

eration.

Mr. Bertholf then came in with a note to the District Attorney, who said to the Judge it was a certifi Mr. Bertholf then came in with a note to the District Attorney, who said to the Judge it was a certificate, and would necessarily involve an acjournment. It was a certificate of a physician that Mrs. Loring is exceedingly ill, and cannot now be examined as a witness.] Mr. O'Conor hoped that the District-Attorney would not adjourn but proceed with other testimony. Dr. Graham is far from his home, and witnesses are here at great inconvenience. They offered to take Mrs. Loring's deposition before the Coroner. The District Attorney said he wished to place Mrs. Loring on the stand and let the Jary judge for themselves. Mr. O'C said they would acknowledge that she was of the highest character, and they had not a word to say as to that. The District-Attorney said there would be testimony in her evidence as to a declaration of Dr. Graham. He sthe D. Al sincerely believed the evidence to that effect would be correct, and it becomes hir, duty to place it before the Jary. Mrs. Loring way, examined before the Coroner's inquest on the very day her husband had been torn from her. She apswered such questions as were saked her, and she expressed that was all that way, required. It

might well be that there were circlimetances which she did not then state. He is only desirous futfield; by perform his dury, and cannot consent to wave here are included to the state. He is only desirous futfield; by the first his dury, and cannot consent to wave here are included to the state. He is only desirous futfield; by the first his dury, and cannot consent to wave here are included to the state. He is only desirous futfield to the state of the st 247; there is a string hanging down to strike it; it does not go to the office; there is a bell at No. 246, which rungs from the office; there is no other on the wall except at No. 247, after I saw Col. Loring be went down to the office, and I want to speak to the gentlemen who was making the noise that he spoke of; I passed both gentlemen's rooms; could see no one, and went up to the third story, and came down another stairway; I then saw Col. Loring dead; he had just drawn the last breath; it was not more than two minutes or two minutes and a half after I left him that I saw him dead; I helped to carry him to No. 16, where the inducest was held.

Margaret Leonard sworn—Was a chambermaid 2d Angust at St. Nicholas Hotel; heard a bell rang on second foor; it was after 5 o'clock; I came into the hall; a gentleman was standing at No. 247 door; I told him [objected to]. I want away; don't know who the person was; I knew Col. Loring was inside of the ream; I went to sweep the corridor; saw no person but the one at No. 247. In answer to the Judge, she said she meant to say it was Col. Lorings room; did not contribute the col. I want was the two lands and the meant to say it was Col. Lorings room; did not contribute the col. I want was whether it was kinn of

rec. ii. I went to sweep the corridor; saw no person but the one at No. 247. In answer to the Judge, she said she meant to say it was Col. Loring's room; did not know Col. L., don't know whether it was him or some one eise standing at his door.

In. Thi sworn—Made a post mortem examination of the body of Col. Loring; Drs. Quackenbush and fandail were with me. I found a singht abrassion corner of the left eye; also one just over the left eye; how; also a punctured wound on the back five inches to the left of the spine and twelve inches below the middle of the shoulder; the wound entered between the ninth and tenth ribs and passed upward and dorward to the substance of the lungs; the cavity of the chest was filled with a large amount of blood, and this wound no doubt caused his death; there were no other marks on his body; a sword cane would make the wound; the left lung was much lacerated; the sword passed up along the root of the left lung, and lacerated it toward the front of the lung, to the extent of three inches, more or less torn, the depth of the wound was about nine inches; it appeared to me as if the sword had been pressed forward toward the front; it seemed as if the lung had been torn, not an incised wound, and not made with a cutting instrument; should think it had been given while the parties were side by side, not facing each tern, for an incised wound, and not made with a cutting in-trument; should think it had been given
while the parties were side by side, not facing each
other, because the wound was upward, which we
would not have supposed had they stood in front, as
it would have been horizontal; this was almost
straight upward; bleeding internally from the lungs,
and the mechanical difficulty of breathing caused the
death; there was at least a quart of blood in the
cavity of the stomach; if it had been a simple penetrain what would have been the effect; sometimes perrain what would have been the effect; sometimes tain what would have been the effect; sometimes per-sons live after a wound in the lungs, and sometimes not; they could not recover from such laceration, on account of the bleeding; with the wound in this case, the whole length of the instrument, even without the laceration, I do not think the party-could have relaceration, I do not think the party could have re-covered; a number of the large palmonary vessels were injured; how long a person could live with such a wound, without the laceration, the District Attor-ncy said the question was in reference to the idea of the sword being worked in the body after the stab), it is difficult to say, if the bleeding was external they might live some time; if internal, and the party follon his face, suffication would soon follow, 15 or 20 min-utes or half an hour; and persons have lived, after very extensive wounds in the lungs, three hours. very extensive wounds in the lungs, three hours.

The Court here adjourned to this forenoon at 10

### STABBING AFFRAY.

DEATH OF THE VICTIM-ARREST OF THE

PERPETRATOR.

Mr. Garrett Post, the young man who on Wednesday evening was frightfully stabbed in two places with a large meat knife in the hands of Jerome B. King, while at the grocery store of R. Classon, No. 802 Washington-st., corner of Horatio-st., expired of his injuries at 21 o clock yesterday morning, at the resi-cence of his brother, No. 29 Bethune-st, whither he

cence of his brether, No. 28 Bethane-st, whither he was taken soon after the lamentable occurrence.

Near midnight Justice Meach was sent for and took the dying deposition of Poet, which was produced before the Coroner at the holding of the inquisition. After inflicting the violence King fied, and took refuge under a bed in Mr. Bushman's residence, on the center of Gatacvoort and Washington-sts, where some two hours afterward, he was found and arcested by Sergeant Lefferts, attached to the Reserve Corps. He was taken to the Ninth Ward Station-House, when he admitted stabbing the deceased, but alleged

He was taken to the Ninth Ward Station-House, when he admitted stabbing the deceased, but alleged that it was done in self-defense, and that he would do the same again under similar circumstances.

Coroner Gambie yesterday afternoon held an inquest upon the body, when several witnesses were examined, the most important of whom was Whilam and Ward and the self-defended by self-defended by the self-defended amined, the most important of whom was William H. Matthews, who stated in evidence that he was standing on the corner of Horatio and Washingtonste, when King came up and said he had been insulted at the boarding house by another boarder, who had pulled a chair from under him, and asked Post, who was present, if it would not be right to castigate him. Post replied by saying that he would bet \$10 that he [King] could not castigate McPherson. The offender, King, then called him a liar, and Post slaped him in the face. Upon this assault, King was from the story below, and at the head of the stairs met Dr Graham; and now there is to be an attempt, because Dr. Graham said he had rung the bell, to show a conversation between Col. Loring and some person. He contended it could not be done.]

During the argument of Mr. O Conor, Mrs Loring became much affected and agitated, and the District-Attorney sovised she be taken till after the argument, from the Court-room. She then went out, accompanied by her friends. Mr. O Conor said he was giad Mrs. L. had gone out. He and his associates have a duty to perform to their client, who stands in a situation which gives to him the sympathy of every man who has a heart. Mr. O'C sail, at the close of gain, when the latter went into a grocery, ionowed his antagonist, when both cleached and the fatal

sinbs were inflicted.

The Jury rendered the following verdict: "That
Peter G. Post came to his death from stabs indicate." ter G. Pest came to his death from stabs inflicted. Jerome B. King." Deceased was a native of Jersey, 25 years of age.

In was then examined by the Coroner, and that he was a native of Pennsylvania, 21 years and a coach resistant.

stated that he was a native of Pennsylvania, 21 years of age, and a coach painter by trade. In answerto the charge he said: "All I have to say is, that the deceased and myself were always good friends; I "never tried to injure him until he tried to injure "me. He was then committed to prison to await the action of the Grand Jury.

# MARINE AFFAIRS.

The number of vessels arriving at this port during the month of September from foreign ports was 368, and the number of passengers 28,356, of which there



# THE TURF.

TROTTING AT THE CENTREVILLE AND UNION COURSE, LOSG ISLAND .- Two exciting trotting matches came off yesterday. The first race, on the Centerville Course, was a match of \$2,000, between Grey Eddy and Highland Maid, mile heats, best three in five, to wagons. This was a one-sided affair throughout. After due inspection by the knowing ones they drew their purses, offering 100 to 19 that Eddy would win. The Maid had but few backers. This odds did not meet with many takers. Consequently, by way of inducement, they opened at 100 to 10, and from that time until the moment for starting arrived, a number of \$100 bills was staked against twanties and tens. Eddy won the race easy in three standards are conducted. Grey Eddy and Highland Maid, mile heats, best three

tweaties and tens. Eddy won the race easy in three summent heats.

The second race was a match for \$2,000 on the Union Course, mile heats, best 3 in 5, in harness, between Flora Temple and Mac. The betting at the start was 100 to 50 on Flora, after the first heat she had the call at 100 to 10, and ran the race without a struggle. The drivers of Mac were changed, but all to no purpose. The following is a summary of the above races:

standing on the side-walks, between the Bible House standing on the side-walks, between the Bible-House and the Park, waiting for a passage up, and yetevery car was crowded before it left Broadway, and they continued to run so until after 4 o clock. By the Harlem cars, it is true, passengers could have gone more comortable, y—and that if was the difficulty—they had known when and where to get on board of them, as they only started hourly from the City Hail, Broome-st. and Twenty-seventh-st, and strangers in the City could not hit those times and places. Why this road cannot carry passengers by all the small cars to Thirtieth-st, and from there every ten minutes by steam, for the same fare of a shilling which they charge on the big cars, through from the Park, is past the comprehension of common sense. Why the

small cars to Thirtiethett, and from the every ten minutes by steam, for the same fare of a shilling which they charge on the big cars, through from the Park, is past the comprehension of common sense. Why the stages could not carry passengers for a shilling which they could not run regularly in connection with the Sixth and Eighth-av. roads, so that passengers could take the cars at Barclay at, and go a rect to the Fair is past all reasoning. It will be past human belief, in the places where the Fair has been heretofore held, when they learn this fact; that at no other place has it been so troublesome and incurvenient for people to get to the show grounds; and that full five thousand people vesterday were actually prevented from attending the Fair, because they could not get there without jwaiting so long that patience gave way, and they went home.

An immense number of people walked over three miles, but the most of the City people will not go to such a place on foot, nor will they go at all, except by the most convenient arrangements, which certainly did not exist yesterday. Yet, with all the inconveniences, the grounds were visited by over twenty-five thousand people—two-thirds of them upon single tickets, purchased during the day at the gates. A very large number of these were ladies. If the conveyances had been at all what they should have been, this number would have been very much greater. As this is positively the last day of the Fair, and as the address will be given at 2 o clock by the Hon. John P. Hale, and the premiums awarded, there is reason to suppose that the number of visitors will exceed yesterday by just as many as can possibly reach the grounds. We therefore state that the large cars which leave the Park at 7, 8, 94, 101, 114, 14, 24, 34, 44 and 5 o clock, land passengers at the show grounds for a shilling. The Second and Third-av. cars will of course, run full at five cents all the time. We also hope to see a hundred stages hoist their flags to-day for the Fair grounds, so that people shal

to-day.

Of the show itself, we heard not a single expression
of disatisfaction, or of any of the inside arrangements, except one thing; and that is worthy of the
severest reprehension, and brought more curses upon

of disatisfaction, or of any of the inside arrangements, except one thing; and that is worthy of the severest reprehension, and brought more curses upon the heads of the managers than they got coppers for the contemptible swindle.

Adjoining the horse-show rings, as we have mentioned, a range of elevated seats have been erected, as we were led to believe by one of the superintendents, for the special accommodation of lathes who might desire to rest their weary limbs and enjoy the pleasure of viewing the ring exercises of the horses. And so we stated in commendation of the accommodations for visitors.

Yesterday we found men stationed at the entrances to this stand demanding twenty-five cents of every person who wished to occupy a seat. This is a trick a little beneath the dignity of the State Agricultural Society of New York. It is quite worthy of a place with the rarest specimen of a Yankee clock-peddier, or any other cute chap at Yankee tricks.

The labors of the committee were continued all day, but their awards will not be made public until after Mr. Hale's address. We hope the premium list will embrace all of the best animals and most important articles in the exhibition, which are too numerous for us to specify, and among which we have no doubt there was something found by every visitor yesterday which fully compensated him or her for their attendance.

# BROOKLYN EXCISE COMMISSIONERS.

THEIR DISCHARGE FROM CUSTODY.

Yesterday, John Cavanagh and Isaac Crampton, Commissioners of Excise, who were convicted of misdemeanor in granting licenses to improper per sons, and sentenced to the county jail for thirty days and to pay a fine of \$250 each, appeared before Judge Dean, of the Supreme Court, with their counsel. They had been brought up the day before on a writ of habeas corpus and their discharge applied for on several grounds which are set forth in the opinion

on several grounds which are set forth in the opinion of the Judgs. Cavanagh is discharged from oustody. The case of Crampton being precisely similar, the same disposition was made.

The Judge in his opinion states that the prisoners' counsel says the return does not show a sufficient cause for detention. In this, that the offense for which he is committed does not appear in this commitment, and alleges, by way of traverse, that in Kings County a special statute exists, which directs Courts sentencing prisoners to imprisonment for thirty days or more, to sentence them to imprisonment in the Penitentiary.

Courts sentencing prisoners to imprisonment for thirty days or more, to sentence them to imprisonment in the Penitentiary.

The necessary facts were proved to show that the preliminaries required had been taken by the Board of Supervisors.

The first question arises is whether the commitment whereon the prisoner is held is "the final judgoment or decree of any competent court of civil or "criminal jurisdiction." If it is, then I have no authority to discharge him. The Statute, 2 kt. S. 783, § 5, provides that when ever a judgment apon a conviction shall be rendered in any court, it shall be the duty of the Clerk thereof to enter such judgment fully in his minutes, stating briefly the offense for which such conviction shall have been had. In this case it was proved that the commitment on which the prisoner was held, was a transcript of the minutes of the Clerk—which was the only judgment that exists. Is this a judgment? No offense is stated. It is true, that it says "for misdemeanor." This embraces a numerous class of cases, but is not the name or description of any particular offense. We cannot from this determine for what he has been tried or convicted, nor could this judgment, without proof, be a bar to anothor trial for any specific misdemeanor. The statute which requires that the judgment should state the offense, means more than, that it should state the which class of effenses—felonies or misdemeanors it belongs, and a minute like the one proved in the case is not a judgment within its intent or letter. I see no objection, therefore, to proceeding with the examination into the cause of the prisoner's detention.

He is beld, the return states, on a sentence of thirty

stion. He is beld, the return states, on a sentence of thirty He is beld, the return states, on a sentence of thirty days insprisonment and to pay a fine of \$250, or in default thereof an imprisonment of six months for a masdemeanor. Now, there are some misdengeanors for which a person convicted cannot be insprisoned at all, and others in which the fine cannot amount to the sum here named. Can any one from the process or the judgment on which the Sheriff holds the prisoner determine whether this is a legal sentence?

There are felonies for which a person on conviction tween Flora Temple and Mac. The betting at the start was 100 to 50 on Flora, after the first heat she had the call at 100 to 10, and ran the race without a struggle. The drivers of Mac were changed, but all to no purpose. The following is a summary of the above races:

CENTREVILLE COURSE, L. I.—Trotting.—Thurs-

## CITY ITEMS.

The Board of Aldermen passed upon a large number of papers of miner importance last evening. The Committee on Finance reported a concurrence with the Board of Councilmen in appropriating \$1,000 as a testimonial to Capt. Fitch and his sub-officers— \$500 to the captain and \$500 to the officers-for their gallant conduct in rescuing the passengers of the ship Winchester. Ald. Herrick spoke to some length in favor of the appropriation and the manner of its distribution. Ald. W. Tucker and Voorhis opposed it strongly, and contended that to offer American sallors money for the performance of humane acts would be an insult to them. Aid. Howard spoke in favor of the appropriation, but wanted the sailors also to be benefited by it. He therefore was in favor of presenting each sailor with a medal. The report was finally laid on the table.

MR. MASON, THE PIANIST .- Extraordinary interest was created in the musical world by the entertainment given by Yr. William Mason, in Niblo's Saloon, yesterday morning at 12 o'clock. This young gentle has been six years in Germany finishing himself for his vocation, and having made his debut in Boston, his native place, he has come next to New-York to display the fruits of his studies. Being an American he is entitled to extra attention, inasmuch as the first class artists we have produced are very few, and hence there is a novelty in the idea of the apparition of one of our own nation measuring strength with the celebrities of Europe, and to every right-minded native-born citizen an interest not to be imported. Mr. Mason's matinee was well attended, both as to numbers and the quality of the auditory. He is well-built for his profession, with abundant muscular force and power of endurance. A young man, he has all the advantages which the impulses of youth give the artist. His programme was as follows.

| : 1 Rhapsudy on Hungarian AirsLisst. |          |
|--------------------------------------|----------|
| ta Sebuancht am Meere                | era.     |
| . (a. Impromptu. Op. 29 Chopin       |          |
| 4 Zum Wintermahrchen-RhapsodieDreysc | hock.    |
| 5. Grand Caprice Heroique            | L        |
|                                      | 20000000 |

This selection was quite varied enough to call forth the abilities of a performer. It is almost super-fluous to say that Mr. Mason has overcome the present difficulties, and, up to the time of Liszt, th possibilities of the piano-forte. There melt under is fingers, so they cease to appear wonderful. Independent of that he plays with light and shade, making the masterly distinctions between the prom-inence of whatever theme and the back-ground of its accompanying details. What may be mentioned as a peculiar thing in his playing is the sensitive delicacy of his touch in quiet passages. This we take to be his marked characteristic; not wishing to convey the idea that his handling is not abundantly strong. In a word, he is master of his instrument, in the wide signification now attached to the term.

Beside the pieces in the programme, we may

mention one of his own introduction, which shows that he has well studied the art of piano-composition, and may well mix in his works with those of others. We suppose that, Mr. Mason's rank being now settled, his concert, which will be given on Thursday evening, Oct. 12, in Niblo's saloon, will be crowded by his countrymen, especially ready to do him homage. To play as he does a world of devotion is required, nature having first selected the devotee. It is one of the cheering prospects in art that within two years two pianists of American birth have appeared and safely competed with the best of European origin

Mr. Hackett has opened negotiations with Philadelphia and Boston for transferring the Grisi and Mario troupe thither. The objection in this City to high prices of tickets might hold good with the over-occnomical, if the company were going to remain ha-pitually; but as the extent of their term is but brief, the excess of price over that given year in and year out for a bad or common dramatic article, is not distressing. As audiences are now at the Academy of to hear Mr. Hackett's troupe, the public will find the season there cut suddenly short, and themselves relieved of paying \$1 or \$2 for a ticket,— which latter sum they paid to hear the original Gar-cia troape in this City nearly 30 years ago, when one dollar went as far as two do now. So the houses must improve or the opera will end.

THE ACADEMY OF MUSIC,-Norma will be given to-night, the characters by Mesdames Grisi and Donovani, and Messrs. Mario and Susini. The prices of admission are severally \$2, \$1, and 50 cents.

MECHASICS' INSTITUTE.-The fall classes are now being formed at this institution; those who design availing themselves of their advantages will do well to begin at once.

A fashionable wedding came off at Grace Church yesterday. Mr. Livingston, of the house of Barclay & Livingston, was united to Miss Carroll, a descendant of Carroll of Carrollton.

A friend of ours recently being left a widower and having a small family, he still cherished the notion of having them about him in his own home, so he sought, help in an intelligence office. Our friend is a syray,athetic soul, and seeing one poor girl more ordinary in her appearance than the others, he chose by r for a her appearance than the others, he chose by for a trial. She assured him none could compare by the her in all domestic duties, "only give me the sone aniesses," says she. "Biddy," said her mastes, Yext morning, "make some coffee, and when it is ready, call." Faith an I will sir." And Biddy busied herself in preparing breakfast. After the lapse of some time, and no call, Biddy's master went in and found her

engaged in building a pyraw .id of the sediment taken from the coffee pet, after , aving thrown the de from the coffee per, start ", aving thrown the denional liquid away." Why, "what are you doing Biddy!" I am afther wonder ang dipe ate the black stuff with butter on it, or ho"." Biddy was enlightened, and promised amendment. A few mornings after Biddy was troubled to kindle a fire; she had well-nigh burst her lungs " and cheeks in her efforts to obtain a flame. At this juncture an inveterate joker, a friend of the family, steps in, and seeing Biddy's fix kindly volusteers to relieve her; so pointing to a horse pistel that